

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

**JANE DOES 1-9,**

**Plaintiffs,**

**vs.**

**COLLINS MURPHY et. al.,**

**Defendants.**

**Case No.: 7:20-CV-00947-DCC**

**MOTION TO CONSOLIDATE FOR  
DISCOVERY**

---

**JANE DOE,**

**Plaintiff,**

**vs.**

**COLLINS MURPHY et. al.,**

**Defendants.**

**Case No.: 7:21-CV-03193-DCC**

**MOTION TO CONSOLIDATE FOR  
DISCOVERY**

---

**JANE DOE 1 et. al.,**

**Plaintiffs,**

**vs.**

**COLLINS MURPHY et. al.,**

**Defendants.**

---

**Case No.: 7:22-CV-03576-DCC**

**MOTION TO CONSOLIDATE FOR  
DISCOVERY**

COMES NOW Plaintiffs and Defendants, by and through their undersigned counsel, respectfully move this Court to consolidate and merge the present cases pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The parties submit that consolidation for the purpose of discovery is appropriate because all the cases involve the same questions of law, and arise out of the same factual occurrences, with the same Defendants. Consolidation further offers efficiency

and convenience in this case. Consolidation will save time and avoid unnecessary costs to the defendants, the plaintiffs in two actions, witnesses who would otherwise be required to be deposed in both cases, and this Court.

### **BACKGROUND**

This is a case and the companion cases 7:21-cv-03193-DCC, 7:22-cv-03576, arise from the use of a hidden “spy camera” in a locker room located within Defendant LIMESTONE UNIVERSITY, for the purpose of surreptitiously filming the Plaintiffs and other women in all stages of undress, and the subsequent uploading of the video footage to one or more websites controlled by Co-Defendants. The cases allege the same causes of action, based on the same alleged conduct, with identity among the Defendants. The cases present the same questions of law and fact.

### **LEGAL STANDARD**

Rule 42(a) permits a district court to consolidate separate actions when they involve "a common question of law or fact." Fed.R.Civ.P. 42(a). Even if there are some questions that are not common, consolidation is not precluded. *Batazzi v. Petroleum Helicopters, Inc.*, 664 F.2d 49, 50 (5th Cir. 1981); See *Central Motor Co. v. United States*, 583 F.2d 470 (10th Cir. 1978). The purpose of Rule 42(a) "is to give the court broad discretion to decide how cases on its docket are to be tried so that the business of the court may be dispatched with expedition and economy while providing justice to the parties." Wright & A. Miller, *Federal Practice and Procedure*, § 2381 (1971).

A court has broad discretion in determining whether consolidation is practical. *Atlantic States Legal Foundation Inc. v. Koch Refining Co.*, 681 F. Supp 609, 615 (D. Minn. 1988). In exercising this discretion, a court should weigh the time and effort consolidation would save with

any inconvenience or delay it would cause. *Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495 (11th Cir. 1985); *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984). See also *Kramer v. Boeing Co.*, 134 F.R.D. 256 (D. Minn. 1991).

### **DISCUSSION**

Consolidation offers efficiency and convenience in this case. Consolidation will save time and avoid unnecessary costs to the defendants, the plaintiffs in two actions, witnesses who would otherwise be required to be deposed in both cases, and this Court.

Consolidation will not delay the disposition of this case. In fact, it will minimize delays. The plaintiffs and defendants in the other case are at different stages of the discovery process, but this does not bar consolidation. *United States v. City of Chicago*, 385 F. Supp. 540, 543 (N.D. Ill. 1974). Consolidation of the cases in this instance will also allow the Court to hear all dispositive motions in conjunction, expediting their resolution.

Finally, consolidation presents no conflicts of interest, and resolution of the cases together will ensure consistency in the findings and conclusions of the Court. While a new scheduling order will be necessary in order to create a definite schedule of the case, in light of the recent amendments in the operative Complaints, readjustment of the scheduling deadlines is practical and reasonable.

Despite a good faith attempt, the parties were unable to unanimously agree upon an Amended Conference and Scheduling Order during their participation in a meet and confer. As such, and in an abundance of caution of the Court's deadline, the parties submit the attached Proposed Orders for the Court's review. Accordingly, attached for the Court's review and selection, please see **Exhibit A**, Plaintiffs proposed Amended Conference and Scheduling Order and **Exhibit B**, MindGeek and Hammy Media Defendants proposed Amended Conference and Scheduling Order.

**CONCLUSION**

Thus, for the reasons set forth above, the Parties respectfully request that the Court enter an Order to consolidate these matters for the purpose of discovery. The proposed Orders are tendered herewith.

**[SIGNATURE BLOCK ON FOLLOWING PAGE.]**

**WE SO CONSENT:**

**BELL LEGAL GROUP, LLC**

*/s/J. Edward Bell, III*

J. Edward Bell, III (1280)

Joshua M. W. Salley (13214)

BELL LEGAL GROUP, LLC

219 North Ridge Street

Georgetown, SC 29440

TEL.: (843) 546-2408

FAX: (843) 546-9604

[jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com)

[jsalley@belllegalgroup.com](mailto:jsalley@belllegalgroup.com)

**DOLT, THOMPSON, SHEPHERD &  
CONWAY, PSC**

Tyler S. Thompson (admitted Pro Hac Vice)

Liz J. Shepherd (admitted Pro Hac Vice)

Jordan A. Stanton (admitted Pro Hac Vice)

DOLT, THOMPSON, SHEPHERD & CONWAY,  
PSC

13800 Lake Point Circle

Louisville, KY 40223

Telephone: (502) 244-7772

[tthompson@kytrial.com](mailto:tthompson@kytrial.com)

[lshepherd@kytrial.com](mailto:lshepherd@kytrial.com)

[jstanton@kytrial.com](mailto:jstanton@kytrial.com)

**NATIONAL CENTER ON SEXUAL  
EXPLOITATION**

Benjamin Bull (admitted Pro Hac Vic)

Danielle Bianculli Pinter (admitted Pro Hac Vice)

Christen Price (admitted Pro Hac Vice)

Peter Gentala (admitted Pro Hac Vice)

1201 F Street NW

Washington, D.C. 20004

[bbull@ncose.com](mailto:bbull@ncose.com)

[dpinter@ncoselaw.org](mailto:dpinter@ncoselaw.org)

[cprice@ncoselaw.org](mailto:cprice@ncoselaw.org)

[pgentala@ncoselaw.org](mailto:pgentala@ncoselaw.org)

**ATTORNEYS FOR PLAINTIFFS**

**WESLEY D. FEW, LLC**

/s/Wesley D. Few

Wesley D. Few, S.C. Bar No. 15565

P.O. Box 9398

Greenville, South Carolina 29604

864-527-5906 | [wes@wesleyfew.com](mailto:wes@wesleyfew.com)

**H. COOPER ELLENBERG**

Attorney at Law

H. Cooper Ellenberg (*Admitted Pro Hac Vice*)

1401 Doug Baker Blvd., Suite 107 492

Birmingham, Alabama 35242

(205) 908-1790 | [cooper.ellenberg@gmail.com](mailto:cooper.ellenberg@gmail.com)

***ATTORNEYS FOR PLAINTIFFS JANE DOE 1,  
JANE DOE 2, JOHN DOE 1 AND JOHN DOE 2  
Case No. 7:22-cv-03576-DCC***

**WITHOUT CONSENT:**

**TURNER, PADGET, GRAHAM AND LANEY,  
P.A.**

/s/

Mark A. Goddard

J. Kenneth Carter

P.O. Box 1509

Greenville, SC 29602

Telephone: (864) 552-4600

[mgoddard@turnerpadget.com](mailto:mgoddard@turnerpadget.com)

[tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com)

[kcarter@turnerpadget.com](mailto:kcarter@turnerpadget.com)

***Attorneys for Defendants***

**MITCHELL SILBERBERG & KNUPP, LLP**

*Marc E. Mayer* | Admitted Pro Hac Vice

email | [mem@msk.com](mailto:mem@msk.com)

direct | 310-312-3154

2049 Century Park East

18th Floor

Los Angeles, California 90067

facsimile | 864-282-5993

*Theresa B. Bowman* | Admitted Pro Hac Vice  
email | [tbb@msk.com](mailto:tbb@msk.com)  
direct | 202-470-2752  
1818 N Street NW, 7th Floor  
Washington, DC 20036  
facsimile | 202-470-2776  
***Attorneys for Defendants***

**METCALFE & ATKINSON, LLC**

/s/  
Hannah Rogers Metcalfe, Fed ID. 9943  
METCALFE & ATKINSON, LLC  
1395 South Church Street  
Greenville, South Carolina 29605  
[hmetcalfe@malawfirmssc.com](mailto:hmetcalfe@malawfirmssc.com)  
***Attorneys for Defendants***

**CIAMPA FRAY-WITZER, LLP**

*Evan Fray-Witzer (pro hac vice)*  
CIAMPA FRAY-WITZER, LLP  
20 Park Plaza, Suite 505  
Boston, Massachusetts 02116  
Telephone: 617-426-0000  
Facsimile: 617-423-4855  
[Evan@CFWLegal.com](mailto:Evan@CFWLegal.com)  
***Attorneys for Defendants***

**BOSTON LAW GROUP, PC**

*Valentin D. Gurvits (pro hac vice)*  
*Frank Scardino (pro hac vice)*  
BOSTON LAW GROUP, PC  
825 Beacon Street, Suite 20  
Newton Centre, Massachusetts 02459  
Telephone: 617-928-1804  
Facsimile: 617-928-1802  
[vgurvits@bostonlawgroup.com](mailto:vgurvits@bostonlawgroup.com)  
[frank@bostonlawgroup.com](mailto:frank@bostonlawgroup.com)  
***Attorneys for Defendants***

**RAHIMI, HUGHES & PADGETT, LLC**/s/

JOSEPH Y. RAHIMI II

Federal ID No. 9670

JOHN A. HUBERT

Federal ID No. 13154

33 Bull Street, Suite 590

Savannah, Georgia 31401

(912) 421-9988

[jrahimi@rhp-law.com](mailto:jrahimi@rhp-law.com)[jhubert@rhp-law.com](mailto:jhubert@rhp-law.com)***Attorneys for Defendants*****NEXSEN PRUET, LLC***JENNIFER S. CLUVERIUS*

Federal ID No. 9992

*L. GRANT CLOSE III*

Federal ID No. 10810

NEXSEN PRUET, LLC

55 East Camperdown Way, Suite 400 (29601)

Post Office Drawer 10648

Greenville, South Carolina 29603-0648

Phone: (864) 370-2211

[jcluverius@nexsenpruet.com](mailto:jcluverius@nexsenpruet.com)[gclose@nexsenpruet.com](mailto:gclose@nexsenpruet.com)***Attorneys for Defendants*****HALL BOOTH SMITH, PC**/s/

Thomas A. Barrow

Alan R Belcher Jr.

Conner E. Johnson

HALL BOOTH SMITH, PC

111 Coleman Boulevard, Suite 301

Mount Pleasant, SC 29464

[abelcher@hallboothsmith.com](mailto:abelcher@hallboothsmith.com)[cjohnson@hallboothsmith.com](mailto:cjohnson@hallboothsmith.com)[tbarrow@hallboothsmith.com](mailto:tbarrow@hallboothsmith.com)***Attorneys for Defendants***

Georgetown, SC  
February 6, 2023